

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DARNELL NASH,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-19-920-F
)	
WARDEN PAUL,)	
)	
Respondent.)	


ORDER

On November 5, 2019, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation, recommending the court deny petitioner's application for leave to proceed in forma pauperis. She further recommended that the court dismiss without prejudice this action unless petitioner pays the \$5 filing fee in full to the clerk of the court within 21 days of any order adopting the Report and Recommendation. Magistrate Judge Mitchell advised petitioner of his right to object to the Report and Recommendation on or before November 26, 2019 and that failure to timely object to the Report and Recommendation waives the right to appellate review of both factual and legal issues therein contained.

Since the filing of the Report and Recommendation, the court has received three motions from petitioner. Doc. nos. 11, 12 and 13. However, none of those motions address Magistrate Judge Mitchell's recommended ruling. The time for filing an objection to the Report and Recommendation has passed. The court therefore finds that petitioner has not timely objected to the Report and Recommendation. With no objection timely filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell on November 5, 2019 (doc. no. 10) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Petitioner's Application for Leave to Proceed In Forma Pauperis, filed November 4, 2019 (doc. no. 9), is **DENIED**. This action shall be dismissed without prejudice unless petitioner pays the \$5 filing fee in full to the clerk of the court within 21 days of the date of this order.

IT IS SO ORDERED this 27th day of November, 2019.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE